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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 4134/2026, CM APPL. 20155-20157/2026**

MUKESH KUMAR PANDEY

.....Petitioner

Through: Mr. Manish Pratap Singh, Mr. Ajay Singh, Mr. Himanshu Shukla, Advocates.

versus

UNION OF INDIA AND ANR

.....Respondents

Through: Ms. Arti Bansal, CGSC for UOI with Ms. Shruti Goel, Advocate along with Ms. Shambhavi Sharma, GP.
Mr. Ravinder Agarwal, Mr. Manish Kumar Singh, Mr. Vasu Agarwal, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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30.03.2026

1. This writ petition seeks the following reliefs:

“a) Issue an appropriate writ, order or direction in the nature of Certiorari quashing and setting aside the arbitrary and illegal action of the Respondents whereby the Petitioner has been treated as a Non-EWS candidate and denied allocation of service in the Civil Services Examination, 2024, despite his valid EWS certificate and inclusion in the Reserve List dated 28.10.2025.

b) Issue an appropriate writ, order or direction directing the respondent NO. 1 (Department of Personnel & Training) to keep one post/vacancy reserved under the EWS category in Civil Service Examination, 2024, or in the alternative to create a supernumerary post, until the final adjudication of the present Writ Petition, so that claim of the petitioner is not rendered infructuous.

c) Issue a writ of Mandamus directing the Respondents to recognize and treat the Petitioner as a valid EWS candidate in accordance with the Examination Notice No. 05/2024-CSP and the applicable Government guidelines, and to



allocate to him an appropriate service strictly as per his merit position in the Reserve List.

d) Direct the Respondents to grant all consequential benefits arising from such allocation, including cadre allocation, fixation of seniority, notional date of appointment, continuity of service, and all attendant service benefits, without prejudice to the Petitioner on account of delay attributable to the Respondents.

e) Direct the Respondents to produce before this Hon'ble Court the entire original record, including file notings, income verification reports, correspondences and all material relied upon for treating the Petitioner as a Non-EWS candidate and denying service allocation.

f) Pass such further order or direction as this Hon'ble Court may deem fit and proper in the interest of justice, including award of costs in favour of the Petitioner. Also to secure the ends of justice and prevent further academic and professional prejudice to the Petitioner."

2. At the outset, counsel for the Respondents object to the maintainability of the present petition on the ground that Union Service Public Commission is a notified authority under Section 14 of the Administrative Tribunals Act, 1985 and the dispute raised herein falls within the jurisdiction of the Central Administrative Tribunal. It is submitted that, in view of the judgment of the Supreme Court in ***L. Chandra Kumar v. Union of India & Ors.***,¹ the Petitioner, having an efficacious alternative remedy before the Tribunal, cannot invoke the writ jurisdiction of this Court.

3. In view of the above, counsel for the Petitioner seeks leave to withdraw the present petition with liberty to approach the Central Administrative Tribunal, in accordance with law.

4. Leave and liberty as prayed for are granted.

5. The Court has not commented on the merits of the case. All rights and contentions of the parties are left open.



6. Disposed of.

SANJEEV NARULA, J

MARCH 30, 2026/ab

¹ (1997) 3 SCC 261.